

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED
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U.S. DISTRICT COURT
DISTRICT OF MASS.

W. MICHAEL CAHILL,

Plaintiff,

v.

VERIZON, SYSTEM COUNCIL T6/LOCAL
2222 IBEW,

Defendants.

CIVIL ACTION No. 04-11986-MEL

**DEFENDANT VERIZON'S MOTION TO DISMISS FOR
FAILURE TO STATE A CLAIM**

Defendant Verizon New England Inc.¹ ("Verizon") hereby moves, pursuant to Fed. R. Civ. P. 12(b)(6), to dismiss W. Michael Cahill's ("Plaintiff") Amended Complaint for failure to state a claim. In support of its motion, Verizon relies upon the accompanying memorandum of law filed herewith.

WHEREFORE, Verizon respectfully requests the Court to dismiss Plaintiff's Amended Complaint in its entirety.

VERIZON NEW ENGLAND INC.

By its attorneys,



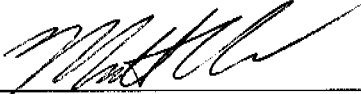
Arthur G. Telegen, BBO #494140
Matthew L. Adams, BBO #655790
FOLEY HOAG LLP
155 Seaport Boulevard
Boston, MA 02210-2600
(617) 832-1000

Date: November 30, 2004

¹ Mr. Cahill's employer was Verizon New England Inc.

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1

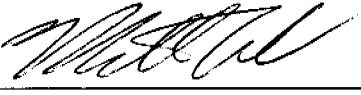
I hereby certify, pursuant to Local Rule 7.1, that counsel for defendant Verizon New England Inc. conferred with the pro-se plaintiff on November 30, 2004 in an attempt to narrow or resolve the issues that are the subject of this motion.



Matthew L. Adams

Certificate of Service

I, Matthew L. Adams, counsel for Defendant, do hereby certify that on this 30th day of November, 2004, I caused to be sent by mail a copy of the above document to W. Michael Cahill, Pro-Se Plaintiff, 12 Whitewood Circle, Amesbury, Massachusetts 01913, and to Wendy M. Bittner, Esq., counsel for the Union, 15 Court Square, Boston, MA 02108.



Matthew L. Adams